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October 2, 2014

By FedEx & E-mail

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Dent, et al. v. NFL, No. C 14-02324 WHA (N.D. Cal.)

Dear Bill:

As you know, we represent the National Football League (“NFL”) and NFL Properties LLC (collectively, the “NFL Parties”) in *In re: National Football League Players’ Concussion Injury Litigation* (No. 2:12-md-02323-AB, MDL No. 2323) (E.D. Pa.) (the “NFL MDL Litigation”), pending before Judge Anita B. Brody in the United States District Court for the Eastern District of Pennsylvania.

I write to follow up on your recent communications with my colleagues Lynn Bayard and Douglas Burns. I understand that you have acknowledged on behalf of the *Dent* parties that they are not pursuing, and do not intend to pursue, any claims for head, cognitive or brain injuries, of whatever cause, in the *Dent* action. Accordingly, I confirm on behalf of the NFL Parties that the releases in the NFL MDL Litigation Class Action Settlement do not cover the claims advanced in the *Dent* litigation solely to the extent that the *Dent* plaintiffs do not assert claims, in whole or in part, “arising out of, or relating to, head, brain and/or cognitive injury . . . of whatever cause.” (See, e.g., Class Action Settlement Agreement as of June 25, 2014 at § 18.1(a)(ii), NFL MDL Litigation,

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Doc. No. 6073-2.) Of course, should the *Dent* parties seek in the future to assert such claims, the NFL parties reserve all of their rights, including without limitation, to assert the NFL MDL release as a defense and bar in any court of appropriate jurisdiction.

Assuming you agree with the above, we respectfully request that you withdraw your pending motion to intervene (Doc. 6131).

Sincerely,



Brad S. Karp

cc: Christopher A. Seeger, Esq. (by email only)
Sol Weiss, Esq. (by email only)
Allen J. Ruby, Esq. (by email only)
Daniel L. Nash, Esq. (by email only)